

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FORREST GRAY,

Plaintiff,

v.

CASSIE, *et al.*,

Defendants.

Case No. 2:22-cv-00099-JDP (PC)

ORDER GRANTING PLAINTIFF'S MOTION
TO AMEND THE COMPLAINT

ECF No. 26

Plaintiff is a state prisoner proceeding without counsel in this action brought under 42 U.S.C. § 1983. I previously screened plaintiff's first amended complaint and found that it stated an Eighth Amendment claim for sexual assault against defendant Cassie. ECF No. 15. Before defendant filed a response to the complaint, plaintiff filed a motion to amend the complaint. ECF No. 26.

The Federal Rules of Civil Procedure permit plaintiff to amend his complaint as a matter of course before service of a responsive pleading. *See* Fed. R. Civ. P. 15(a). Accordingly, his motion to amend is granted. He must file his amended complaint within thirty days of this order's entry. Plaintiff is advised that his amended complaint will supersede the current complaint. *See Lacey v. Maricopa Cnty.*, 693 F. 3d 896, 907 n.1 (9th Cir. 2012) (en banc). This means that the amended complaint must be complete on its face without reference to the prior pleading. *See* E.D. Cal. Local Rule 220. Once an amended complaint is filed, the current

1 complaint no longer serves any function. Therefore, in an amended complaint, as in an original
2 complaint, plaintiff must assert each claim and allege each defendant's involvement in sufficient
3 detail. The amended complaint should be titled "Second Amended Complaint" and refer to the
4 appropriate case number.

5 Accordingly, it is hereby ORDERED that:

6 1. Plaintiff's motion to amend the complaint, ECF No. 26, is granted.

7 2. Plaintiff shall file a second amended complaint within thirty days of the date of this
8 order.

9
10 IT IS SO ORDERED.

11 Dated: November 27, 2022

12 
13 JEREMY D. PETERSON
14 UNITED STATES MAGISTRATE JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28